



Entered on Docket
August 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE
COMPANY,**

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Third Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Whole or In Part Upon
Investment In The Harbor Georgetown
Loan**

Hearing Date: July 26, 2011
Hearing Time: 1:30 p.m.

The Court having considered the "Third Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Harbor Georgetown Loan." ("Harbor Georgetown Loan") [DE 8494] (the "Objection"); the Court having heard the Objection on July 26, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed, the Court noting on the record that the disallowance of the Claims listed on Exhibit A does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Harbor Georgetown Loan;
2 and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8494] is sustained; and
5 2. The claims listed on **Exhibit A** attached, are disallowed to the extent those
6 claims are based upon an investment in the Harbor Georgetown Loan.

7 PREPARED AND RESPECTFULLY SUBMITTED BY:

8 **LEWIS AND ROCA LLP**
9

10 By /s/ John Hinderaker
11 Robert M. Charles, Jr.
12 John Hinderaker (*pro hac vice*)
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LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker.
Attorneys for USACM Liquidating Trust

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**USACM Trust
Harbor Georgetown Loan
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Harbor Georgetown, LLC Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Harbor Georgetown, LLC Loan
10725-02092	1/11/2007	Janis Living Trust Dtd 2/3/99, Janice	C/O Janice Janis Ttee 406 Pearl St Boulder, CO 80302-4931	405,912.48	50,000.00
10725-00853	11/13/2006	Mallin Family Trust Dated 7/12/99	C/O Joe Laxague, Esq. 3272 E Warm Springs Road Las Vegas, NV 89120	233,333.33	50,000.00
10725-02202	1/10/2007	Marguerite Falkenborg 2000 Trust Dtd 6/20/00	C/O Marguerite Falkenborg Trustee 727 3rd Ave Chula Vista, CA 91910-5803	794,366.81	106,349.64
10725-02173	1/12/2007	Marshall Brecht Trust Dtd 2/5/86	Marshall J & Janet L Brecht Trustees 640 Colonial CIR Fullerton, CA 92835	3,418,022.00	50,000.00
10725-02144	1/11/2007	Michael S Freedus DDS PC Defined Benefit Pension P	2535 Lake Rd Delanson, NY 12053	502,741.84	75,000.00
10725-01203	11/10/2006	Monighetti, Pete	6515 Frankie Ln Prunedale, CA 93907	1,509,963.55	50,000.00
10725-00854	11/13/2006	Motto, George J	Joe Laxague Esq Cane Clark LLP 3272 E Warm Springs Las Vegas, NV 89120	550,000.00	50,000.00
10725-02082	1/11/2007	Oster, Paul	Po Box 2618 Mammoth Lakes, CA 93546	308,164.00	51,676.00
10725-01032	11/6/2006	Perrone, Nicholas	5112 San Anselmo St Las Vegas, NV 89120	736,089.00	200,000.00

EXHIBIT A

2405447.1

**USACM Trust
Harbor Georgetown Loan
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount Relating to the Harbor Georgetown, LLC Loan	Approximate Amount Subject to Objection Because it Relates to an Investment In the Harbor Georgetown, LLC Loan
10725-02176	1/12/2007	R L Allgeier Family Trust Dtd 10/4/97	Robert Allgeier 1767 Shamrock CIR Minden, NV 89423	430,473.09	100,000.00

EXHIBIT A

2405447.1